

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

John W. Miller,)	
)	
Plaintiff,)	
)	
vs.)	Civil Action No.: 6:11-cv-210-TLW-KFM
)	
Rosemary Sanders, Sgt. Officer;)	
Paula Brodie, Nurse,)	
)	
Defendants.)	
_____)	

ORDER

On January 31, 2011, the plaintiff, John W. Miller (“plaintiff”), proceeding pro se, filed this civil action. (Doc. #1). The case was referred to United States Magistrate Judge Kevin F. McDonald pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02(B)(2), DSC.

This matter now comes before this Court for review of the Report and Recommendation (“the Report”) filed by the Magistrate Judge to whom this case had previously been assigned. (Doc. # 45). On October 20, 2011, the Magistrate Judge issued the Report. In the Report, the Magistrate Judge recommends that this action be dismissed pursuant to Federal Rule of Civil Procedure 41(b). (Doc. # 45). After the Report was issued, the plaintiff filed what he labels as an “Answer” to the defendants’ complaint. (Doc. # 47). The Court chooses not to accept the Magistrate Judge’s Report and Recommendation (Doc. # 45) at this time and refers this case back to the Magistrate Judge for further consideration in light of the aforementioned filing by the plaintiff (Doc. # 47). This filing by the plaintiff (the “Answer”) may well be deemed a response to the defendants’ motions for summary judgment.

IT IS SO ORDERED.

December 9, 2011
Florence, South Carolina

s/Terry L. Wooten
United States District Judge